

Senator Steele entered a motion to reconsider the vote by which the amendment striking out the enacting clause was adopted.

Senator Lewis called up the motion to reconsider, and moved to table same.

Senator Steele moved a call of the Senate, which was ordered, the following answering to their names:

Atlee.	Lewis.
Bailey.	McKinney.
Beall.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Greer.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

	Absent, excused.
Agnew.	Boren.
	Absent—not excused.
Bowser.	McComb.
Dibrell.	Sherrill.
Goss.	

Senator Lewis moved to excuse the absentees.

Senator Smith moved to adjourn to 10 a. m., tomorrow.

Lost by the following vote:

Yeas—11.

Colquitt.	Smith.
Darwin.	Stafford.
Harrison.	Steele.
McKinney.	Tips.
Presler.	Woods.
Rogers.	

Nays—14.

Atlee.	Goss.
Bailey.	Greer.
Beall.	Lawhon.
Crowley.	Lewis.
Dean.	Shelburne.
Dickson.	Simpson.
Gage.	Whitaker.

	Absent—excused.
Agnew.	Boren.
	Absent, not excused.
Bowser.	McComb.
Dibrell.	Sherrill.

Senator Steele moved to adjourn to 9:30 a. m., tomorrow.

Lost by the following vote:

Yeas—12.

Colquitt.	Rogers.
Darwin.	Smith.
Harrison.	Stafford.
Lawhon.	Steele.
McKinney.	Tips.
Presler.	Woods.

Nays—13.

Atlee.	Goss.
Bailey.	Greer.
Beall.	Lewis.
Crowley.	Shelburne.
Dean.	Simpson.
Dickson.	Whitaker.
Gage.	

	Absent, excused.
Agnew.	Boren.
	Absent, not excused.
Bowser.	McComb.
Dibrell.	Sherrill.

Senator Smith moved to adjourn to 9:40 a. m., tomorrow.

Adjourned by the following vote:

Yeas—13.

Mr. President.	Rogers.
Colquitt.	Smith.
Darwin.	Stafford.
Harrison.	Steele.
Lawhon.	Tips.
McKinney.	Woods.
Presler.	

Nays—12.

Atlee.	Gage.
Bailey.	Greer.
Beall.	Lewis.
Crowley.	Shelburne.
Dean.	Simpson.
Dickson.	Whitaker.

	Absent—excused.
Agnew.	Boren.

	Absent, not excused.
Bowser.	McComb.
Dibrell.	Sherrill.
Goss.	

FORTY-FOURTH DAY.

Senate Chamber,
Austin, Texas, March 1, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Atlee.	Lewis.
Beall.	Rogers.
Colquitt.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Whitaker.
Greer.	Woods.
Harrison.	

	Absent, excused.
Agnew.	

	Absent—not excused.
Bailey.	McComb.
Boren.	McKinney.
Bowser.	Presler.
Crowley.	Sherrill.
Goss.	Tips.
Lawhon.	

Senator Smith moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Beall.	Dibrell.
Colquitt.	Dickson.
Darwin.	Gage.
Dean.	Greer.

Harrison.	Simpson.
Lewis.	Smith.
McKinney.	Stafford.
Rogers.	Steele.
Shelburne.	Whitaker.
Sherrill.	Woods.

Absent—excused.

Agnew.

Absent—not excused.

Atlee.	Goss.
Bailey.	Lawhon.
Boren.	McComb.
Bowser.	Presler.
Crowley.	Tips.

On motion of Senator Whitaker, Senate took a recess until 10 o'clock.

AFTER RECESS.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	McComb.
Beall.	McKinney.
Boren.	Presler.
Colquitt.	Rogers.
Darwin.	Shelburne.
Dean.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.
Gage.	Stafford.
Greer.	Steele.
Harrison.	Tips.
Lawhon.	Whitaker.
Lewis.	Woods.

Absent, excused.

Agnew.

Absent, not excused.

Bailey.	Crowley.
Bowser.	Goss.

Prayer by the Chaplain, Dr. Smoot.
Pending reading of the Journal of yesterday,

On motion of Senator Whitaker, same was suspended.

On motion of Senator Shelburne, Senator Crowley was excused for non-attendance for last Monday, Tuesday and Wednesday, on account of important business.

On motion of Senator Atlee, Senator Goss was excused till next Tuesday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Tips:

Petitions from citizens of Travis county, asking the passage of law prohibiting lottery corporations from doing business in the State.

Read first time and referred to Judiciary Committee No. 2.

By Senator Rogers:

Petition of 50 freeholders of Anderson county, against any change in stock law.

Read and referred to Committee on Stock and Stockraising.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 1, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 22, a bill to be entitled "An act to amend article 649, title 21, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 1, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 196, being a bill to be entitled "An act to better define sectarian schools within the meaning of the Constitution and laws of this State, relative to the apportionment and use of the public school fund,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 1, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 184, being a bill to be entitled "An act to amend section 1, chapter 106, acts of Twenty-second Legislature, as approved 13th day of April, 1891, entitled an act to amend section 1 of chapter 79 of an act passed at the regular session of the Twenty-first Legislature, approved April 4, 1889, entitled an act to authorize counties to fund their indebtedness and to provide means to pay same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, March 1, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 13, being a bill to be entitled "An act to amend article 1198, chapter 4, title 29, of an act passed at the regular session of the Sixteenth Legislature of the State of Texas, entitled "An act to adopt and establish the Revised Civil Statutes of Texas," which article regulates the venue of civil cases in the district and county courts,"

Have had the same under consideration.

and I am instructed by a majority of said committee to report the same back to the Senate with the recommendation that it do pass with the following amendment, to-wit:

Amend act by adding the following: "Sec. 24. The provisions of this act shall also apply to venue of suits instituted in courts of justices of the peace, and that all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed."

SMITH, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 28, 1895.

Hon. George T. Jester, President of the Senate:

The undersigned, being unable to agree with the majority of your Judiciary Committee No. 1 in reporting favorably House bill No. 13, entitled "An act to amend article 1198, chapter 4, title 29, of an act passed at the regular session of the Sixteenth Legislature of the State of Texas, entitled 'An act to adopt and establish the Revised Civil Statutes of the State of Texas, which article regulates the venue of civil cases in district and county courts,' beg leave to submit for the consideration of the Senate, the following minority report:

1. The material change sought to be made by the provisions of this bill is to prohibit any citizen of Texas from contracting to pay a debt or perform a contract in any county in the State other than that of his residence. The first insuperable objection to such a measure is that it interferes with the freedom of the citizen to make such binding contracts as he may see fit to make, without the tutorage of the State, and argues him a commercial imbecile. Every case where the government interferes with the private contracts of its citizens is a step towards paternalism, and should never be exercised except in extreme cases. It is impossible to legislate an incautious man cautious, or a fool a wise man.

2. If this bill becomes a law in its present form it will disturb the commercial interests of this State to such an extent as to inflict great hardships upon a helpless and dependent class of citizens, without inuring benefits to any class. It is in the interest of the dishonest, who are willing to execute a contract without expecting to comply with its terms, and in the hope of defeating justice by bringing the beneficiary of all contracts into the baliwick of the maker of such contracts, where prejudice may be appealed to and juries stocked. It means a more stringent rule, and a more vigorous scrutiny by the business men of Texas in regard to that class of citizens who are dependent upon the more fortunate and progressive business men of Texas.

3. The bill, from all indications, and form its evident effect upon the business interests of Texas, was inspired by non-

resident wholesale dealers and manufacturers, who seem to be ever willing to place fetters upon the progress and prosperity of the Texas wholesale dealer and manufacturer by putting such business interests on an equal footing with that of the non-resident citizen.

Respectfully submitted, with the recommendation that House bill No. 13 do not pass,

DIBRELL,
LEWIS,
GAGE,
STAFFORD,
For the Minority.

Committee Room,
Austin, Texas, Feb. 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Military Affairs, to whom was referred

Senate bill No. 190, being a bill to be entitled "An act to establish a naval battalion, to be attached to the volunteer guard of Texas, provided for in subdivision 1 of article 3242, chapter 1, title 64, Revised Civil Statutes of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Military Affairs, to whom was referred

Senate concurrent resolution No. 11, providing for the appointment and report upon the most economic and practicable plan for establishing and maintaining a Confederate Home,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BEALL, Chairman.

Committee Room,
Austin, Texas, March 1, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 171, being "An act to amend articles 423, 424, 425, 426, 427, 428, 429 of the Penal Code of the State of Texas and the several acts of the Legislature amendatory thereof, and adding 425a, 425b, 425c, 426a, 428a, 429a, 429b, 429c, 429d, 429e, 429f, 429g, 429h, 429i, 429j, and to repeal all laws and parts of laws in conflict herewith,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 162, being "An act to

regulate and fix the tax on the manufacture and sale of cigarettes and cigarette pads, or paper to be used in making cigarettes, and to prescribe a penalty for the violation of the same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend section 2 by adding in line 2, after the word "be," the following: "Deemed guilty of a misdemeanor and."

TIPS, Chairman.

Committee Room,

Austin, Texas, March 1, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 110, being "An act to invest the board of regents of the university of Texas with the management and control of university lands,"

And find the same correctly enrolled, and have this day, at 11:25 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, March 1, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 6, being "An act concerning primary elections called and held by authority of any political party; to prevent illegal voting at same and false returns thereof, and providing penalties therefor,"

And find the same correctly enrolled, and have this day, at 11:25 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

HOUSE MESSAGE.

Hall House of Representatives,
Austin, Texas, March 1, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bill, to wit:

House bill No. 412, a bill to be entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State."

Also, that Hon. W. M. Peck has been appointed as a member of the joint committee on adoption of Civil Code, vice Hon. W. W. Turney, resigned.

Respectfully,

CHESTER HAILE, Chief Clerk.

Call concluded.

On motion of Senator Rogers,

Senate bill No. 74, being a bill to be entitled "An act to amend article 2520, chapter 6, title 47, of the Revised Civil Statutes of the State of Texas," and

15—Senate

Senate bill No. 75, being a bill to be entitled "An act to amend article 1889, chapter 8, title 37, of the Revised Civil Statutes of the State of Texas,"

Were recommitted to Judiciary Committee No. 1.

The Chair had the following announcement read:

Executive Office, State of Texas,

Austin, March 1, 1895.

Hon. Geo. T. Jester, President of the Senate:

Sir:—I am directed by the Governor to inform you that Hon. Miles Crowley, recently Senator from the Seventeenth Senatorial District, has tendered his resignation to the Governor, to take effect today, and that the same has been accepted and is now effective.

Very respectfully,

W. F. BOWMAN,

Private Secretary.

On motion of Senator Tips,

House bill No. 74, being "An act to provide a method of ascertaining the class of a merchant, so as to determine the amount of his occupation tax, and to provide for the collection of same, and fixing penalties for the violation of the provisions of this act,"

Was referred to Committee on Finance.

The Chair gave notice of signing, and did sign, after the caption of same had been read,

Senate bill No. 110, being a bill to be entitled "An act to invest the Board of Regents of the University of Texas with the management and control of the University lands,"

Senate bill No. 6, being a bill entitled "An act concerning primary elections called and held by authority of any political party, to prevent illegal voting at same; to prevent bribery and betting at same, and false returns thereof, and providing penalties therefor."

Senator Colquitt moved that the Senate go into executive session on the Governor's appointments at 12 m. today.

Carried.

Senator Atlee moved to suspend regular business and take up

Senate bill 158, "An act to authorize payment of all just claims against the State incurred in enforcing the quarantine laws accruing under the administration of Governor Ross, in the years 1890 and 1891."

Carried.

Bill read third time.

At request of Senator Tips, the following communication was read:

Quarantine Department of Texas,

Austin, Texas, Feb. 28, 1895.

Hon. Walter Tips, Chairman Senate Finance Committee:

Dear Sir—In compliance with your request, I hand you the following statement with regard to unpaid claims against the quarantine department under Dr. Rutherford's administration of the department as State Health Officer, 1890-91, taken from the official record:

House joint resolution (Twenty-second Legislature) No. 23 created an auditing board, composed of the State Health Officer, Dr. Swearingen, the Comptroller, Hon. John D. McCall, and the Attorney General, Hon. C. A. Culberson, and they were "empowered and directed to inquire into all such claims as may be presented against the State for services rendered under the quarantine laws, under the prior administration (Ross) and to approve all such as may be justly payable by the State." (See page 193, general laws of Texas, 1891, and note the wording of the preamble.)

In pursuance of this resolution, the board examined accounts amounting in the aggregate to a very large sum, the exact amount I do not know, and the record is not at hand, but according to the best of my recollection it was over \$100,000. The claims were of a miscellaneous character, for services rendered, for supplies, labor and merchandise, infected property destroyed, etc. By the wording of the resolution the board were limited to those for services rendered by officers and men, and accordingly they selected that class alone for approval and payment. These amounted to \$34,831.90. Upon making their report to the Legislature, an act was passed (House bill 290) making appropriation for deficiencies, amongst the items of which were the following: "Officers and men, Quarantine Department: Registered (claims), \$19,331.90; estimated, \$17,500; total, \$36,831.90;" of which the sum of \$2000 was to pay current expenses of the Quarantine Department for the remainder of the fiscal year 1891 (see page 10, General Laws of Texas, 1891); leaving the sum of \$34,831.90, the amount of claims approved by the board and paid.

The greater part of the claims rejected by the auditing board were claims from cities and counties, that in the judgment of the board ought to have been paid by the cities and counties where the services were rendered, and whose people were the direct beneficiaries of the services.

Respectfully yours,

R. M. SWEARINGEN, M.D.,
State Health Officer.

Per. F. E. Daniel, Secretary.

By Senator Gage:

Amend section 1 by adding after the word "State," in line 23, the following: "Provided, that any claim heretofore presented to, examined on its merits and rejected by the proper authorities, because the same was not considered a just claim against the State, shall not be presented, considered nor paid under the provisions of this law."

Adopted by the following vote:

Yeas—25.

Atlee.	Dickson.
Beall.	Gage.
Boren.	Greer.
Colquitt	Harrison.
Darwin.	Lawhon.
Dean.	Lewis.
Dibrell,	McKinney.

Presler.	Stafford.
Rogers.	Steele.
Shelburne.	Tips.
Sherrill.	Whitaker.
Simpson.	Woods.
Smith.	

Nays—none.

Absent, excused.

Agnew.

Absent—not excused.

Bailey.

Goss.

Bowser.

McComb.

Bill passed by the following vote:

Yeas—15.

Atlee.	Lewis.
Beall.	Presler.
Boren.	Shelburne.
Dean.	Simpson.
Dibrell.	Smith.
Gage.	Steele.
Greer.	Whitaker.
Lawhon.	

Nays—10.

Colquitt.	Rogers.
Darwin.	Sherrill.
Dickson.	Stafford.
Harrison.	Tips.
McKinney.	Woods.

Absent, excused.

Agnew.

Absent, not excused.

Bailey.

Goss.

Bowser.

McComb.

Senator Atlee moved to reconsider the vote passing the bill, and to lay that motion on the table.

Tabled.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments, and to prescribe rules for administering the same, and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder,' approved March 24, 1879, approved April 7, 1883, and to repeal all laws and parts of laws in conflict herewith."

On motion of Senator Colquitt, the bill was laid on the table, subject to call.

Senator Woods moved to suspend regular business and take up,

Senate bill No. 125, being a bill to be entitled "An act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, as amended by the Twenty-first Legislature, by an act entitled 'An act to amend article 318, chapter 4, title 9, of the Penal Code of the

State of Texas, passed by the Twentieth Legislature, and approved February 24, 1887, approved January 30, 1889, to abolish imprisonment as a part of the punishment."

Carried.

Bill read second time.

By Senator Woods:

Amend by adding section 2, so as to read as follows:

"Section 2. The crowded condition of the calendar, and the near approach of the adjournment of this Legislature, creates an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act be in force from and after its passage, and it is so enacted."

Adopted.

By Senator Simpson:

Amend section 1, article 318, line 2, by striking out the word "pistol."

Lost.

By Senator Dickson:

Amend article 318, line 2, by striking out "saddle, or in his saddle bags."

Lost.

Bill was ordered engrossed.

On motion of Senator Woods, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—22.

Atlee.	McKinney.
Boren.	Presler.
Colquitt.	Rogers.
Darwin.	Shelburne.
Dean.	Sherrill.
Dibrell.	Simpson.
Gage.	Smith.
Greer.	Steele.
Lawhon.	Tips.
Lewis.	Whitaker.
McComb.	Woods.

Nays—4.

Beall.	Harrison.
Dickson.	Stafford.

Absent, excused.

Agnew.	Goss.
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Absent, not excused.

Bailey.	Bowser.
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Bill read third time and passed by the following vote:

Yeas—23.

Atlee.	McKinney.
Boren.	Presler.
Colquitt.	Rogers.
Dean.	Shelburne.
Dibrell.	Sherrill.
Dickson.	Simpson.
Gage.	Smith.
Greer.	Steele.
Harrison.	Tips.
Lawhon.	Whitaker.
Lewis.	Woods.
McComb.	

Nays—3.

Beall.	Stafford.
Darwin.	

Absent, excused.

Agnew.	Goss.
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Absent, not excused.

Bailey.	Bowser.
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UNFINISHED BUSINESS.

The Chair laid before the Senate,

House bill No. 323, being a bill to be entitled "An act to fix the rate of taxation on insurance companies, telephone companies, sleeping and dining car companies, and other corporations; to prescribe the time and manner of collecting such taxes; to provide penalties for the violation of this act, and to repeal all laws and parts of laws in conflict therewith, approved May 11, 1893,"

Action being on the motion of Senator Lewis to table the motion of Senator Steele to reconsider the vote by which the enacting clause was stricken out.

The Senate refused to table by the following vote:

Yeas—10.

Atlee.	Lewis.
Beall.	McComb.
Dean.	Shelburne.
Gage.	Simpson.
Greer.	Whitaker.

Nays—14.

Boren.	Presler.
Colquitt.	Sherrill.
Dibrell.	Smith.
Dickson.	Stafford.
Harrison.	Steele.
Lawhon.	Tips.
McKinney.	Woods.

Paired.

Yea.	Nay.
Bailey.	Darwin.
Goss.	Rogers.

Absent—excused.

Agnew.

Absent—not excused.

Bowser.

Senator Lewis moved to take a recess of 10 minutes.

Lost by the following vote:

Yeas—11.

Atlee.	Greer.
Beall.	Lewis.
Boren.	Shelburne.
Dean.	Simpson.
Dickson.	Whitaker.
Gage.	

Nays—15.

Colquitt.	Rogers.
Darwin.	Sherrill.
Dibrell.	Smith.
Harrison.	Stafford.
Lawhon.	Steele.
McComb.	Tips.
McKinney.	Woods.
Presler.	

Absent, excused.

Agnew.	Goss.
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Absent, not excused.

Bailey.	Bowser.
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Senator Steele moved the previous question on the motion to reconsider,

which was duly seconded, and pending action.

Senator Lewis moved to postpone further consideration of the bill to Monday after call.

Senator Steele made the point of order that the motion to postpone was not in order.

Sustained.

Senator Lewis then moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	McComb.
Beall.	McKinney.
Boren.	Presler.
Colquitt.	Rogers.
Darwin.	Shelburne.
Dean.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.
Gage.	Stafford.
Greer.	Steele.
Harrison.	Tips.
Lawhon.	Whitaker.
Lewis.	Woods.

Absent—excused.

Agnew. Goss.

Absent, not excused.

Bailey. Bowser.

Senator Lewis then moved to take a recess to 12 m.

Lost by the following vote:

Yeas—12.

Atlee.	Gage.
Beall.	Greer.
Boren.	Lewis.
Darwin.	Shelburne.
Dean.	Simpson.
Dickson.	Whitaker.

Nays—14.

Colquitt.	Rogers.
Dibrell.	Sherrill.
Harrison.	Smith.
Lawhon.	Stafford.
McComb.	Steele.
McKinney.	Tips.
Presler.	Woods.

Absent, excused.

Agnew. Goss.

Absent, not excused.

Bailey. Bowser.

Senator Smith moved to excuse the absentees.

Lost by the following vote (requiring two-thirds):

Yeas—13.

Colquitt.	Sherrill.
Dibrell.	Smith.
Harrison.	Stafford.
Lawhon.	Steele.
McKinney.	Tips.
Presler.	Woods.
Rogers.	

Nays—12.

Atlee.	Greer.
Beall.	Lewis.
Boren.	McComb.
Dean.	Shelburne.
Dickson.	Simpson.
Gage.	Whitaker.

Paired.

Yea.	Nay.
Darwin.	Bailey.
	Absent—excused.
Agnew.	Goss.
	Absent, not excused.

Bowser.

The Chair announced that the hour fixed this morning for the Senate to go into executive session had arrived, and the Senate accordingly went into executive session.

AFTER EXECUTIVE SESSION.

In executive session the following confirmations were had:

Member of the Board of Managers for the North Texas Lunatic Asylum at Terrell: James Young of Kaufman county, vice W. T. Foster, removed from the State.

Member of the Board of Managers for the Orphans' Home at Corsicana: E. W. Johnson, vice W. D. Johnson, resigned.

To be Judge of the Thirty-seventh Judicial District: Robert B. Green of Bexar county, vice George H. Noonan, resigned.

On motion of Senator Sherrill, Joint resolution No. 2, being a "Joint resolution to amend article 8 of the Constitution of the State of Texas by adding to said article an additional section to be numbered 22, looking to the encouragement of manufactories in Texas,"

Was made special order for Monday next, after call, and from day to day.

Senator Gage moved to make Senate bill No. 168, being a bill to be entitled "An act to prohibit nepotism and to prescribe a penalty for a violation hereof,"

Special order for Tuesday next after call.

Lost.

On motion of Senator McComb, Committee substitute for House bills Nos. 3 and 7, a bill to be entitled "An act to amend section 58 of chapter 122 of the general laws enacted by the Twenty-third Legislature, entitled 'An act to provide for a more efficient system of public free schools for the State of Texas; defining the school funds, etc., approved May 20, 1893; to provide for separate boards of trustees for white and colored schools of each school district; to provide for the maintenance of separate schools for white and colored children of each district; to provide for the apportionment of the school funds of each district to the respective schools thereof,'"

Was made special order for Tuesday after call.

On motion of Senator Dean, regular business was suspended to take up

Senate bill No. 175, entitled "An act the better and more fully to promote the development of the mining resources of Texas, and to repeal all laws in conflict with the provisions of this act."

Senator Smith moved to reconsider the vote suspending the regular business.

Senator Lewis moved to table the motion to reconsider.

Tabled by the following vote:

Yeas—14.

Atlee.	Greer.
Beall.	Lewis.
Boren.	McComb.
Dean.	Shelburne.
Dibrell.	Simpson.
Dickson.	Whitaker.
Gage.	Woods.

Nays—11.

Colquitt.	Sherrill.
Darwin.	Smith.
Harrison.	Stafford.
Lawhon.	Steele.
Presler.	Tips.
Rogers.	

Present, not voting.

McKinney.

Absent, excused.

Agnew.

Goss.

Absent, not excused.

Bailey.

Bowser.

Senator Whitaker moved to adjourn to 10 a. m. Monday.

Senator Smith moved to adjourn to 10 a. m. tomorrow.

Senate refused to adjourn to 10 a. m. Monday by the following vote:

Yeas—10.

Boren.	Presler.
Dickson.	Shelburne.
Greer.	Simpson.
Harrison.	Stafford.
Lewis.	Whitaker.

Nays—16.

Atlee.	McComb.
Beall.	McKinney.
Colquitt.	Rogers.
Darwin.	Sherrill.
Dean.	Smith.
Dibrell.	Steele.
Gage.	Tips.
Lawhon.	Woods.

Absent, excused.

Agnew.

Goss.

Absent, not excused.

Bailey.

Bowser.

The motion to adjourn to tomorrow morning at 10 a. m. was lost by the following vote:

Yeas—8.

Boren.	Smith.
Colquitt.	Stafford.
Darwin.	Tips.
McComb.	Woods.

Nays—18.

Atlee.	Lewis.
Beall.	McKinney.
Dean.	Presler.
Dibrell.	Rogers.
Dickson.	Shelburne.
Gage.	Sherrill.
Greer.	Simpson.
Harrison.	Steele.
Lawhon.	Whitaker.

Absent, excused.

Agnew.

Goss.

Absent, not excused.

Bailey.

Bowser.

Resuming consideration of Senate bill No. 175, it was read second time.

By Senator Dean:

Amend section 4, line 10, by striking out the words "or places," and inserting in lieu thereof the words "in place."

Adopted.

By Senator Dean:

Amend section 6, line 13, by inserting "not" between the words "has been," so that the same shall hereafter read "has not been."

Adopted.

By Senator Dean:

Amend section 7, line 28, by striking out "herein before" and inserting in lieu thereof "hereinafter."

Adopted.

By Senator Dean:

Amend section 9 by striking out all of said section after the word "treasurer," in line 3, and in lieu of the words stricken out insert the following: "Whereupon such patent shall issue, unless protest is filed as hereinafter provided for in section 11."

Adopted.

By Senator Dean:

Amend section 10 as follows: In line 20, page 5, strike out "or" and insert "on" in lieu thereof; in lines 29 and 30, on page 6, strike out the words "and has posted notices on same as required in section 6," and in lieu thereof insert the words "and in said affidavit give a reasonable description of said land;" strike out all of section 10 after the word "expiration," in line 32, on page 6, and in lieu thereof add the words "of said 12 months after the filing of said affidavit with the surveyor."

Adopted.

(Senator Presler in the chair.)

Senator Smith called for the reading of the bill in full, which was ordered, and the bill read.

Bill ordered engrossed.

Senator Dean moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be put upon its third reading and final passage.

Lost by the following vote (not four-fifths):

Yeas—16.

Atlee.	Lawhon.
Beall.	Lewis.
Colquitt.	McComb.
Dean.	Presler.
Dibrell.	Shelburne.
Dickson.	Sherrill.
Gage.	Simpson.
Greer.	Woods.

Nays—5.

Darwin.	Steele.
Harrison.	Tips.
Smith.	

Absent, excused.

Agnew.

Goss.

	Absent, not excused.
Bailey.	Rogers.
Boren.	Stafford.
Bowser.	Whitaker.
McKinney.	

Senator Greer moved to adjourn to 10 a. m. Monday.

Senator Smith moved to adjourn to 10 a. m. tomorrow.

The Senate adjourned to 10 a. m. Monday by the following vote:

Yeas—12.	
Atlee.	Lewis.
Dean.	McComb.
Dibrell.	Presler.
Dickson.	Shelburne.
Greer.	Simpson.
Harrison.	Whitaker.

Nays—12.	
Beall.	Rogers.
Colquitt.	Sherrill.
Darwin.	Smith.
Gage.	Steele.
Lawhon.	Tips.
McKinney.	Woods.

	Absent—excused.
Agnew.	Goss.

	Absent, not excused.
Bailey.	Bowser.
Boren.	Stafford.

FORTY-FIFTH DAY.

Senate Chamber,
Austin, Texas, March 4, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lewis.
Beall.	McComb.
Boren.	Presler.
Colquitt.	Rogers.
Darwin.	Shelburne.
Dean.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith.
Gage.	Stafford.
Greer.	Steele.
Harrison.	Tips.
Lawhon.	Woods.

	Absent, excused.
Agnew.	Goss.

	Absent, not excused.
Bailey.	McKinney.
Bowser.	Whitaker.

Prayer by the Chaplain, Dr. Smoot.
Pending reading of the Journal of Friday,

On motion of Senator Beall, same was suspended.

On motion of Senator Woods, Senator McKinney was excused for non-attendance on today on account of important business.

On motion of Senator Dean, Senator Whitaker was excused for this week on account of important business.

On motion of Senator Presler, Senator Bowser was excused for last Friday and today on account of important business.

On motion of Senator Boren, Porter John Edwards was excused for today on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Rogers:

Petition of 136 citizens of Cherokee county, against any change in the fish law for said county.

Read and referred to Judiciary Committee No. 2.

By Senator Rogers:

Petition of 57 citizens of Alto, Cherokee county, praying for more stringent game and fish laws for said county; and to have said county embraced in game law now pending.

Read and referred to Judiciary Committee No. 2.

By Senator Rogers:

Petition of 48 citizens of Anderson county, protesting against any change in stock law.

Read and referred to Committee on Stock and Stockraising.

By Senator Rogers:

Petition of 36 citizens of Forrest, Cherokee county, praying for more stringent game and fish laws for said county.

Read and referred to Judiciary Committee No. 2.

By Senator Stafford:

Petition from voters and business men of Upshur county, protesting against the passage of the "Agnew assignment bill."

Read and referred to Judiciary Committee No. 2.

By Senator Stafford:

Petition from voters of Upshur county, urging the passage of House bill known as the "venue bill."

Read and referred to Judiciary Committee No. 1.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 4, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 125, being "An act to amend article 318, chapter 4, title 9 of the Penal Code of the State of Texas, as amended by the Twenty-first Legislature by an act entitled 'An act to amend article 318, chapter 4, title 9, the Penal Code of the State of Texas, passed by the Twentieth Legislature and approved February 24, 1887,' approved January 30, 1889, to abolish imprisonment as a part of the punishment,"

And find the same correctly engrossed.
COLQUITT, Acting Chairman.